

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl: Master File No. 1:00-1898  
Ether ("MTBE") : MDL NO. 1358 (SAS)  
Products Liability : M21-88  
Litigation :

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This Document Relates to:  
Orange County Water District  
v. Unocal Corporation, et al.,  
S.D.N.Y. No. 04 Civ. 4968 (SAS)

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CONFIDENTIAL  
(Per 2004 MDL 1358 Order)

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August 19, 2008  
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Videotaped Deposition of DAVID P. BOLIN,  
Volume 3, OCWD'S 30(b)(6) DESIGNEE, held in the law  
offices of Latham & Watkins, 650 Towne Center Drive,  
Suite 2000, Costa Mesa, beginning at 9:01 a.m., before  
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

GOLKOW TECHNOLOGIES, INC.  
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deps@golkow.com

1 A-29. There are other wells in which MTBE has been  
2 detected as well, but they are monitoring wells.

3 But the statement here stands, that since  
4 MTBE has been detected in Well A-29, it is likely  
5 that MTBE has escaped remediation capture at one or  
6 more of the stations and is contaminating Well A-29.

7 BY MR. HEARTNEY:

8 Q. Okay. And if we look at Tab 3 of  
9 your binder on ARCO A-29, you actually have data on  
10 this alleged detection of MTBE in A-29 in October  
11 2005?

12 A. I see that.

13 Q. Okay. And the detection was on  
14 October 4, 2005, at 0.09 ppb, correct?

15 A. That's what I read as well.

16 MR. HEARTNEY: Okay. Let's mark as our next  
17 exhibit data from the WRMS database that was produced  
18 to us by Orange County Water District.

19 I excerpted the data for Well A-29 from the  
20 year 2000 forward. And this is from the database, a  
21 version of the database produced to us -- or the data  
22 produced to us on April 15th, 2005.

23 We will mark that as the next exhibit in  
24 order.

25 THE REPORTER: Exhibit 27.

1 THE WITNESS: You referenced ARCO 1998. I  
2 think you meant 1994.

3 MR. HEARTNEY: 1994. Thank you.

4 THE WITNESS: And we're still conducting an  
5 investigation as to what the source of contamination  
6 in Well A-29 is. All we've been able to conclude  
7 thus far is that MTBE keeps showing up in the well.  
8 And as to where the sources of the contamination are,  
9 we are looking at it. We're evaluating it. We will  
10 hopefully draw some conclusion. But it's going to  
11 take a considerable amount of effort and a  
12 considerable amount of time to put the pieces of the  
13 puzzle together.

14 All we can conclude thus far is that the  
15 detections of MTBE in A-29 are likely from one or  
16 more sites, including other possible sources, but we  
17 can't draw that conclusion yet.

18 BY MR. HEARTNEY:

19 Q. You misspoke, didn't you, when you  
20 said the detections of MTBE in A-29? Since the year  
21 2000, there's only been one --

22 MR. MILLER: Excuse me.

23 BY MR. HEARTNEY:

24 Q. -- detection that ever occurred,  
25 isn't that right?

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August 20, 2008  
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Videotaped Deposition of DAVID P. BOLIN,  
Volume 4, OCWD'S 30(b)(6) DESIGNEE, held in the law  
offices of Latham & Watkins, 650 Towne Center Drive,  
Suite 2000, Costa Mesa, beginning at 2:29 p.m., before  
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

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1 that's what that is.

2 Q. And which zone or which aquifer is  
3 that drawing water from, at least the part that's  
4 screened between 263 and 551 feet?

5 A. I believe that that is the principal  
6 aquifer.

7 Q. And do you know whether, with respect  
8 to Unocal Station 5226, whether any of the  
9 contamination from that station has been detected in  
10 the principal aquifer?

11 A. The Wells 7 and 13, I believe it is,  
12 are the focus wells for this particular plume, plume  
13 No. 9, in which this is a focus station.

14 There's been a release of substantial MTBE  
15 contamination to groundwater. We believe it has  
16 escaped remedial capture at this site. We have  
17 detections in two of the focus wells. We believe  
18 that -- of the same compound, of MTBE.

19 We believe that those detections indicate  
20 that one or more of the sites associated with plume  
21 No. 9 are the sources of that contamination.

22 Q. But you can't attribute that MTBE  
23 specifically to this Unocal Station, can you?

24 A. We have not been able to identify the  
25 specific source that MTBE was detected in the wells,

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August 21, 2008  
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Videotaped Deposition of DAVID P. BOLIN,  
Volume 5, OCWD'S 30(b)(6) DESIGNEE, held in the law  
offices of Latham & Watkins, 650 Towne Center Drive,  
Suite 2000, Costa Mesa, beginning at 9:02 a.m., before  
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

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1 9, comes from Thrifty 368, correct?

2 A. Would you please ask that question  
3 again. I may have misunderstood your question.

4 MR. HEARTNEY: Let's have it reread.

5 (Record read as follows: QUESTION: And  
6 you're not able to identify whether any MTBE that was  
7 detected in the Huntington Beach production wells,  
8 that are designated for plume 9, comes from Thrifty  
9 368, correct?)

10 THE WITNESS: At this time we have not  
11 identified where the detections of MTBE are that have  
12 been in the production wells in plume No. 9, which  
13 source, which location they stem from.

14 BY MR. HEARTNEY:

15 Q. And so it would also be true that you  
16 haven't reached any -- or you're not able -- strike  
17 that.

18 It would also be true that you're not able  
19 to identify whether any MTBE detected in the plume 9  
20 wells comes from the Huntington Beach ARCO, correct?

21 A. We have had detections in the  
22 production wells, and we know where significant  
23 releases of MTBE have emanated from, but we have not  
24 made the identification of which source those MTBE  
25 detections are from.

1           Q.       And you don't have sufficient  
2 information, as you sit here today, to make that  
3 identification, correct?

4           A.       As I sit here today, we are in the  
5 process of evaluating the source of those detections.  
6 We know where significant detections have emanated  
7 from.

8           We -- there's still activities we propose to  
9 do, including mathematical modeling, fate and  
10 transport analysis, and some other technical  
11 evaluations. Until we complete those evaluations,  
12 we're not certain we're going to be able to identify  
13 which source the detections have come from.

14          Q.       And here my question is just limited  
15 to the information that you and the District have  
16 today. And the question is: That information that  
17 you have today isn't sufficient to identify whether  
18 any MTBE detected in the plume 9 wells comes from the  
19 Huntington Beach ARCO, correct?

20          A.       Not --

21               MR. MILLER: It's been asked and answered.  
22               Go ahead.

23               THE WITNESS: That's not completely correct.

24               We know that there have been detections in  
25 the wells. We know that there have been significant

1           A.       I'm fairly certain I did, but I can't  
2 recall exactly when that was.

3           Q.       Was that before you learned that you  
4 were going to be deposed as a Rule 30(b)(6) witness  
5 with respect to various of the District's focus  
6 plumes?

7           A.       I believe I had seen this data some  
8 time ago, not long after I started with the District.  
9 But since it is in our LIMS system and not our WRMS  
10 system, that I had not seen it after that, thinking  
11 there was a detection in that area but not  
12 remembering about a detection in that area when I  
13 checked our LIMS -- or WRMS system, did not see it.  
14 And then it was made apparent, yes, there was a  
15 detection in our LIMS system, indicating detections  
16 in these wells.

17          Q.       So you believe you actually first saw  
18 the LIMS data, that is referred to here in  
19 Exhibit 14, not long after you joined the District;  
20 is that right?

21          A.       After these dates, anyway.

22          Q.       What do you mean, "after these  
23 dates"?

24          A.       Well, HB -- the detection in HB-19  
25 was in 2006. And the detection in -- I'm sorry.

1 Yes, HB-13 -- I'm sorry. I misspoke.

2 The detection of MTBE in HB-13 was in 2005.

3 The detection in HB-7 was in 2006.

4 I believe I was aware of that at some time  
5 in those years. Whether it was both in 2006 or one  
6 of them in 2005 and then one of them 2006, I cannot  
7 recall. But they were in our LIMS system, not our  
8 WRMS system. And for whatever reason, I thought I  
9 might have been mistaken. And then I saw --

10 subsequently saw the data in our LIMS system, and  
11 then I was aware of it.

12 Q. You said that you saw LIMS data not  
13 long after you joined the District. What data did  
14 you look at from LIMS not long after you joined the  
15 District?

16 A. The detection of MTBE in HB-13 and  
17 HB-7. I believe it was this data. I could not  
18 remember which of the Huntington Beach wells I  
19 thought I had seen a detection in. When I went back  
20 to check it, it was not in the WRMS system. I  
21 thought I was mistaken and subsequently learned that,  
22 no, I thought I made a mistake, but I was wrong. I  
23 was actually correct. There was a detection, and it  
24 was from our LIMS system.

25 Q. So when you joined the District, you

1 THE WITNESS: This shows a detection of MTBE  
2 in Well HB-7 of 0.16 micrograms per liter on  
3 August 7, 2006.

4 BY MR. HEARTNEY:

5 Q. And what is the reported result for  
6 that -- for that sampling event?

7 MR. MILLER: Vague.

8 BY MR. HEARTNEY:

9 Q. There's a heading that says,  
10 "Reported Results," correct?

11 A. Oh, I see. ND.

12 Q. That means nondetect, correct?

13 A. Nondetect at or above the reportable  
14 detection limit, which is -- on August 6, 2007, was  
15 0.2 micrograms per liter.

16 So it reported a detection as a nondetect  
17 because it was not at the reportable detection limit,  
18 not because it wasn't detected.

19 Q. Now -- okay. Let's look at  
20 Exhibit 49, also an excerpt from your binder.

21 And you've referred to an alleged MTBE  
22 detection in Huntington Beach Well 13 in 2005,  
23 correct?

24 A. That's correct.

25 Q. And that took place on January 18th,

1 2005. You can check your notes, to the extent you  
2 need to.

3 A. That is correct.

4 Q. And we see that on Exhibit 49 about  
5 ten or twelve lines from the top of the first page,  
6 correct?

7 A. I believe the line you're looking at  
8 is a detection of MTBE at 0.17 micrograms per liter  
9 in Well HB-13 on January 18, 2005.

10 Q. So as you're interpreting the LIMS  
11 database, the fact that under the heading "Numeric  
12 Results," we see the number 0.17 ug/l means that MTBE  
13 was detected in the production well at level of 0.17  
14 parts per billion, correct?

15 A. Yes.

16 Q. Now, you said there came a point in  
17 time when you went back to the LIMS database and  
18 checked and found that, in fact, MTBE detections were  
19 reported, in your view, for Huntington Beach Well 7  
20 and Huntington Beach Well 13, correct?

21 A. I didn't say that I went back and  
22 checked LIMS data. I said I was aware of a detection  
23 in the LIMS database subsequent to the time where I  
24 thought I had made a mistake, a misidentification.

25 Q. And how did you correct your mistake?

1 MR. MILLER: Objection, argumentative.

2 Go ahead. Assumes facts not in evidence.

3 MR. HEARTNEY: Go ahead.

4 THE WITNESS: My mistake was I thought there  
5 was a detection. I went to the WRMS database, I  
6 didn't see it. I thought I made a mistake and was  
7 thinking about a different well. Subsequently  
8 learned about the detection in LIMS. I corrected my  
9 mistake of becoming aware there was a detection in  
10 these wells. It was in the LIMS database and not in  
11 the WRMS database.

12 BY MR. HEARTNEY:

13 Q. And that's what I want to focus on.  
14 That occurred during your preparation for the  
15 deposition concerning focus plumes Wells 2, 7 and 9,  
16 correct?

17 A. I don't know when I became aware of  
18 that detection, that I had made an error in my  
19 assumption that there was not a detection. I  
20 subsequently learned at some time that there was a  
21 detection. I don't know when that was.

22 Q. Once you learned that, in fact, there  
23 was a detection in Huntington Beach ARCO -- or sorry,  
24 Huntington Beach Production Wells 7 and 13, what did  
25 you do?

1           A.       It means that 0.01 micrograms per  
2 liter is a test result for MTBE that was reported for  
3 a sample collected on this date.

4           Q.       Does it mean that MTBE was detected  
5 in the well on that date?

6           A.       I believe I just answered that  
7 question. The 0.01 micrograms per liter of an MTBE  
8 test result indicates a detection of MTBE on this  
9 date October 29, 2002.

10          Q.       So more broadly, if we go to the LIMS  
11 database and we find numbers in this heading of  
12 "Numeric Results" that are greater than zero, we  
13 should view those as being a detection of MTBE for  
14 that particular sampling event, correct?

15          A.       That's what the result indicates,  
16 that there was a detection of MTBE at whatever the  
17 number is in the units category for the compound  
18 identified in the test I.D. category, MTBE, for the  
19 dates identified in the collection date category.

20          Q.       You're not a chemist, correct?

21          A.       That's correct.

22          Q.       You're not trained to perform  
23 chemical analyses, correct?

24          A.       Some chemical analysis I've  
25 performed, but I'm not a trained chemist.

1 Q. Orange County Water District has many  
2 trained chemists on its payroll?

3 A. I believe they do.

4 Q. You didn't consult any of them in  
5 reaching your conclusion that the LIMS data that we  
6 have just been talking about reflects an actual  
7 detection of MTBE in Huntington Beach Well 13,  
8 correct?

9 A. It is correct that I did not talk to  
10 the chemists in Orange County Water District about  
11 these particular results.

12 Q. And you didn't solicit their advice  
13 or counsel as to whether those numbers, in fact,  
14 represented the presence of MTBE in Huntington Beach  
15 Well 13, correct?

16 A. I have a report from the LIMS  
17 database indicating what the detections were. I did  
18 not go ask the analyst that reported these results to  
19 the LIMS database whether these -- whether they  
20 reported them correctly.

21 Q. You didn't ask the analysts that  
22 reported the results what those numbers in the LIMS  
23 database mean, did you?

24 A. No, I did not talk to the analyst  
25 about the LIMS database.

1           Q.       And you didn't ask Stephen  
2     Fitzsimmons, the head of Orange County Water  
3     District's lab, what those numeric results in the  
4     LIMS database mean either, did you?

5           MR. MILLER:   Asked and answered.

6           THE WITNESS:   I didn't specifically ask  
7     Steve Fitzsimmons what the data means.

8     BY MR. HEARTNEY:

9           Q.       Do you know what a trip blank is?

10          A.       Yes, I do.

11          Q.       What is a trip blank?

12          A.       A trip blank is a sample that is  
13     prepared at the laboratory.  It's put in a container  
14     of sample bottles that are prepared by the laboratory  
15     for collecting samples.  That sample travels with the  
16     other sample bottles in the sample container to the  
17     location for a site -- for a sample to be collected.  
18     The sample is collected, put back in the container,  
19     and then just travels back to the laboratory.

20          Q.       The trip blank is chemically pure  
21     water, correct?

22          A.       I don't know what's in a trip blank.

23          Q.       Isn't it correct that a trip blank is  
24     water from the laboratory that's put in a bottle and  
25     then taken on the trip in which a sample is going to

1 sheet.

2 Q. And it's listed as a TB, correct?

3 A. That is -- was identified in columns  
4 2 and 3 on this sheet.

5 Q. Okay. And there's a numerical result  
6 of 0.29 micrograms per liter; do you see that?

7 A. In the right two columns on the same  
8 sheet, I see 0.29 micrograms per liter.

9 Q. By the same logic of your analysis of  
10 Exhibits 49 and 50, this would mean that the  
11 laboratory, in fact, had detected MTBE in the sample  
12 at the level of 0.29 parts per billion, correct?

13 A. I don't know what this is. I don't  
14 know what this report is. You have reported it's  
15 from the LIMS database. But I don't have access to  
16 the LIMS database. So I don't know what this is. I  
17 don't know what the sample is. I don't know where  
18 the sample came from.

19 Q. Okay. You don't know enough about  
20 the LIMS database to be able to -- to interpret an  
21 output from a LIMS database without knowing those  
22 things?

23 A. I don't have access to the LIMS  
24 database.

25 Q. Okay. Do you believe that any time

1   there is a numerical result in MTBE for -- in data  
2   from the LIMS database reflecting an MTBE test, a  
3   numerical result that's greater than zero, it  
4   represents an actual detection of MTBE in the water?

5           A.       I don't know that. I don't have  
6   access to the LIMS database. I'm not a chemist. I'm  
7   not trained at the procedures or the data or the  
8   management of that data. I don't know what this is.

9           MR. HEARTNEY: I have a very few questions  
10   left, and then I'm done.

11           Let's mark as the next exhibit, which I  
12   believe will be 52, and then also next is 53. 52 --  
13   all right.

14           THE REPORTER: 53, 54.

15           MR. HEARTNEY: 53, 54. Thank you, Sandy.

16           53 will be a March 8th, 2006 letter from the  
17   County of Orange Health Care Agency to Bobby Lu, at  
18   ARCO Products Company.

19           54 will be a case closure summary, both of  
20   which reference ARCO Site 6131.

21           They bear Orange County Water District  
22   production No. 001-187788 through 89 and 187790  
23   through 92 respectively.

24                   (Exhibit Nos. 53 and 54 were  
25                   marked.)